

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2003-326-C and 2003-327-C - ORDER NO. 2004-479

OCTOBER 11, 2004

IN RE: Docket No. 2003-326-C – Analysis of)	ORDER GRANTING
Continued Availability of Unbundled Local)	REQUEST FOR AN
Switching for Mass Market Customers)	EXTENSION TO FILE
Pursuant to the Federal Communication)	RESPONSES TO
Commission’s Triennial Review Order)	DISCOVERY AND
)	PROVIDING
and)	CONDITIONS
)	
Docket No. 2003-327-C – Continued)	
Availability of Unbundled High Capacity)	
Loops at Certain Locations and Unbundled)	
High Capacity Transport on Certain Routes)	
Pursuant to the Federal Communication)	
Commission’s Triennial Review Order)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the requests of the South Carolina Telephone Coalition members, their affiliates, and SC Net (hereafter referred to collectively as “Petitioners”) for an extension of time in which to file responses to discovery served by BellSouth Telecommunications, Inc. (“BellSouth”).

By letter dated December 31, 2003, Petitioners request an extension of time in which to file responses to discovery served by BellSouth. According to the request the Petitioners were afforded thirty days in which to respond to the discovery requests. Petitioners noted that their thirty day timeframe included the week of the Christmas holiday and the week of the New Year’s holiday. The Petitioners state that they are short-

staffed at this time of year and find it impossible to provide responses within the time frames requested. Petitioners requested an extension from BellSouth; however, BellSouth, facing deadlines in which to prefile testimony, was amenable to an extension provided that the Petitioners provide any objections to the discovery by the original due date. Petitioners state that they cannot comply with the condition stated by BellSouth as part of the reason for requesting the extension was that time was required to analyze the discovery requests to determine whether the requested information was available, relevant, or objectionable. Petitioners advise the Commission that they have been working to respond to the discovery requests and that they believe that they can adequately respond to all discovery requests not later than January 14, 2004.

BellSouth, by letter dated January 2, 2004, responded to the Petitioners' request for an extension. BellSouth explained that it requested the condition on the offered extension because BellSouth needs to know as quickly as possible if the Petitioners, or any of them, are going to assert any defense to providing substantive responses to the discovery. According to BellSouth, it is under very tight timeframes in which to provide its testimony in these dockets, and further, it needs time to compel responses, receive responses, and incorporate information into prefiled testimony or issue follow-up discovery requests. Accordingly, BellSouth requests that the Commission require the Petitioners (1) to identify any discovery request to which they will not respond at all pursuant to objection no later than thirty days after the Petitioners were served with BellSouth's discovery requests; (2) to provide substantive responses to BellSouth's discovery in the switching docket (Docket 2003-326-C) no later than January 14, 2004;

and (3) to provide substantive responses to BellSouth's discovery in the loop/transport docket (Docket No. 2003-327) no later than January 21, 2004.

Upon consideration of this matter, the Commission recognizes that the end of December presents challenges for businesses as the holidays are a time when employees seek days away from work. Thus, the Commission understands the position of the Petitioners being short-handed. However, the Commission also understands the position of BellSouth which is facing deadlines and is seeking information with which to work. In an attempt to be fair to both sides and to not prejudice any party with our ruling, the Commission finds that some allowance must be afforded to the Petitioners in their request. Therefore, the Commission finds and concludes that the Petitioners shall identify and provide to BellSouth by the original due date any interrogatories and/or requests to produce to which the Petitioners' object and will not respond. The Petitioners shall make every reasonable effort to respond under this time frame. However, the Petitioners shall not waive or lose any right to object to any other interrogatory or request to produce after they identify the objectionable interrogatories and requests to produce on the date originally due for responses.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)